

Message Text

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ORIGIN AF-10

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FM SECSTATE WASHDC
TO AMEMBASSY PRETORIA PRIORITY
INFO AMCONSUL CAPE TOWN
AMCONSUL JOHANNESBURG
AMCONSUL DURBAN

C O N F I D E N T I A L STATE 123302

E.O. 11652: GDS

TAGS: EAIR, SF

SUBJECT: AIRCRAFT SALES TO SOUTH AFRICA

REFS: (A) PRETORIA 2123, (B) PRETORIA 2449

1. DEPARTMENT APPRECIATES EMBASSY COMMENTS REF A CONCERNING ADDITIONAL STRAIN ON PERSONNEL CAUSED BY REVISED AIRCRAFT REGULATIONS. THIS FACTOR IS BEING CONSIDERED WITH REGARD TO DISPOSITION OF VACANT COMMERCIAL OFFICER SLOT IN JOHANNESBURG.

2. LICENSE CONDITIONS FOR SPARE PARTS NOT THE SAME AS
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FOR AIRCRAFT. AS WILL BE INDICATED ON EXPORT LICENSE, SOUTH AFRICAN IMPORTER IS REQUIRED TO OBTAIN FROM FIRST SOUTH AFRICAN PURCHASER THE FOLLOWING CERTIFICATION: QUOTE THE SUBJECT AIRCRAFT PARTS AND ACCESSORIES ARE INTENDED FOR THE REPAIR AND MAINTENANCE OF AIRCRAFT THAT ARE REGISTERED IN THE REPUBLIC OF SOUTH AFRICA, THAT ARE OWNED AND OPERATED BY NORMAL CIVILIAN AND/OR COM-

MERCIAL ENTITIES AND WILL NOT BE USED FOR MILITARY, POLICE OR PARAMILITARY ACTIVITIES, INCLUDING BUT NOT LIMITED TO THE SOUTH AFRICAN COMMANDOS AND SOUTH AFRICAN AIR COMMANDOS. PURCHASER CERTIFIES THAT HE WILL NOT SELL, OR OTHERWISE MAKE AVAILABLE, THE SUBJECT PARTS, OR AIRCRAFT CONTAINING SUCH PARTS, TO PURCHASERS WHOM HE KNOWS, OR HAS REASON TO BELIEVE, WILL USE THE AIRCRAFT FOR POLICE, MILITARY OR PARAMILITARY ACTIVITIES IN THE REPUBLIC OF SOUTH AFRICA, OR INSTALL THE PARTS IN AIRCRAFT INTENDED FOR SUCH PURPOSES. UNQUOTE. IN THE CASE WHERE THE PURCHASER IS HIMSELF A RETAILER OF AIRCRAFT PARTS, THIS CERTIFICATE SHOULD BE PART OF HIS SALES CONTRACT WITH THE DISTRIBUTOR. WHERE THE PURCHASER IS THE END-USER OF THE PARTS, THE CERTIFICATE SHOULD BE SIGNED SEPARATELY ALONG WITH THE BILL OF SALE. UNLIKE AIRCRAFT CONDITIONS, RESPONSIBILITY FOR PARTS CERTIFICATION ENDS WITH FIRST PURCHASER FROM THE DISTRIBUTOR. AS INDICATED REF A, IN MOST CASES DISTRIBUTOR WILL NOT BE AWARE OF INTENDED USE OF PARTS IN WHICH CASE HE IS ONLY RESPONSIBLE FOR OBTAINING CERTIFICATION FROM FIRST PURCHASER.

3. THE NEW LICENSE CONDITIONS REQUIRE THAT RE-EXPORTERS TO THIRD COUNTRIES FROM SOUTH AFRICA OBTAIN THE SAME PURCHASER CERTIFICATION AS SALES WITHIN THE COUNTRY. THE REASON FOR THIS IS THE EASE WITH WHICH THE CONDITIONS COULD BE CIRCUMVENTED BY WOULD-BE SOUTH AFRICAN PURCHASERS
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IF A FOREIGN PURCHASER WERE INTERPOSED BETWEEN THE DISTRIBUTOR AND A SUPPLIER OF THE MILITARY OR POLICE. WITH RESPECT TO THE SEPARATE ISSUE OF USG CONSENT TO RE-EXPORT, SUCH CONSENT IS REQUIRED GENERALLY BY THE EXPORT ADMINISTRATION REGULATIONS FOR ALL VALIDATED LICENSE ITEMS.

FYI: SHOULD CERTIFICATION PROCEDURES PROVE AN IMPEDIMENT FOR SALES TO BOTSWANA AND MALAWI, WE WOULD BE PREPARED TO CONSIDER ANY SUGGESTIONS EMBASSY MAY HAVE FOR REVISION OF CONDITIONS FOR SALES TO THOSE COUNTRIES. IT SHOULD BE NOTED IN THIS REGARD THAT LICENSE CONDITIONS IN EFFECT FOR SOUTH AFRICA DO NOT SUPPLANT ANY OTHER REGULATIONS WHICH MIGHT AFFECT AIRCRAFT SALES TO OTHER COUNTRIES.

4. CHARTER OF U.S. AIRCRAFT TO ANY SAG ENTITY WITHOUT PRIOR USDOC APPROVAL HAS LONG BEEN PROHIBITED BY LICENSE CONDITIONS. WHEN PRIOR APPROVAL USDOC NOT PRACTICAL, EMBASSY AUTHORIZED TO APPROVE SHORT TERM CHARTER (FIVE DAYS OR LESS) BY SAG PROVIDED PROPOSED USE CLEARLY FALLS WITHIN INTENT OF AIRCRAFT REGULATIONS. ANY SUCH APPROVAL SHOULD BE REPORTED TO USDOC WITH OTHER AIRCRAFT INFORMA-

TION. INTENT OF CONDITIONS IS TO INCLUDE PUBLIC CORPORATIONS SUCH AS ISCOR AND ESSCOM AS SAG ENTITIES.

5. DEPARTMENT NOTED WITH INTEREST DAO REPORT OF DISBANDMENT OF AIR COMMANDOS BECAUSE OF NEW AIRCRAFT LICENSE CONDITIONS. WOULD APPRECIATE ANY LATER REPORTS

CONFIRMING DAO REPORT AND ANY ADDITIONAL INFORMATION EMBASSY MAY BE ABLE TO OBTAIN ON REASONS BEHIND MOVE, AS WELL AS ANY INDICATION THAT COMMANDOS HAVE IN FACT STOPPED OPERATING. VANCE

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